

Stormwater Pollution Prevention Plans and the Kansas Industrial Stormwater General Permit



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Industrial Stormwater Permit Requirements – An Overview, Permit Modifications, and SWP2 Plan Development/Implementation

- A brief overview of regulatory requirements for Stormwater Runoff Associated with Industrial Activity
- Frequent questions and proposed modifications to the General Permit which expires October 31, 2016
- Industrial Stormwater Pollution Prevention (SWP2) Plan Development and Implementation

Stormwater Pollution Prevention (SWP2) Plans

Why regulate stormwater?

- Storm water from urban areas can carry high levels of pollutants into storm sewers and adjacent rivers, streams, and lakes
 - Mud/Sediment
 - Oil and Grease
 - Suspended Solids
 - Nutrients
 - Heavy Metals
 - Pathogenic Organisms
 - Toxins
 - Trash and other Waste Materials

Nationwide Urban Runoff Project



Regulatory Background

- Clean Water Act in 1972 regulated Point Source Discharges
- Amendments in 1987 Added Stormwater as a Point Source
- Industrial Stormwater Phase I – 1990 Required NOI or other form of application (individual, group, etc.)
- Industrial Stormwater Phase II – 2003 Clarified Exemptions
- 1st KDHE Industrial Stormwater General Permit – 2006
- Re-issued Industrial Stormwater General Permit – 2011
- Current KDHE Permit Effective until October 31, 2016
- KDHE Permit (Round 3) is ready to go on Public Notice
- EPA 2015 Multi-Sector General Permit (as guidance)
- Previous EPA MSGP's - 1995, 2000, 2008

Current KDHE – NPDES Industrial Stormwater Permit

- Coverage applies to various manufacturing, transportation, warehousing, mining, and scrap/salvage facilities; some public works facilities; and other sites with a significant pollution potential, unless otherwise excluded
- Owners or operators of unpermitted facilities subject to regulation of stormwater runoff from industrial activity as defined in 40 CFR 122.26(b)(14) or are otherwise designated by KDHE must file the Notice of Intent (NOI) form and \$60.00 fee to apply for and obtain coverage under the industrial stormwater general permit S-ISWA-1111-1
- Coverage under the proposed permit S-ISWA-1611-1 will start November 1st, 2016. Coverage is automatic and new NOI forms are not required for existing permitted facilities

Current KDHE Program Status

Industrial Stormwater Permit

Industrial Stormwater:

- There are eleven broad categories of industry that are regulated, covering most industries and many municipal operations, as defined at 40 CFR 122.26(b)(14)
- Coverage is generally determined either by SIC Code (Standard Industrial Classification) or by narrative criteria describing activities at the site
- A “No Exposure” certification is available to all industrial categories
- The principle requirement of the permit is development of a Stormwater Pollution Prevention Plan (SWP2 Plan) and implementation of site Best Management Practices (BMPs)

Current KDHE Program Status

Industrial Stormwater Permit

- KDHE has authorized about 800 Active Industrial NOI's
- About 350 industrial discharge permits require SWP2 Plans
- About 185 Sites under the Ready-Mix general permit require SWP2 Plans
- About 300 No Exposure Certifications have been accepted
- A total of about 1,600 facilities meeting stormwater permit requirements
- Original estimates were that up to 10,000 Kansas facilities may be regulated
- Numerous additional facilities originally applied for coverage (historic NOI's and group applicants) that were never permitted. They do not have stormwater discharge authorization and need to submit an NOI

Current Status of KDHE Industrial Stormwater Permits

Types of Facilities with Stormwater NOI's

• Manufacturing Facilities	-	350
• Warehousing Facilities	-	75
• Scrap/Salvage Facilities	-	35
• Mining/Mineral Facilities	-	75
• Asphalt Plants	-	50
• Solid Waste Facilities	-	100
• WWTPs	-	25
• Municipal/other NOI's	-	60

Industrial Stormwater Permit Renewal

- The current permit expires October 31, 2016
- The new permit has been reviewed by EPA
- The current permit will remain in effect until the new (successor) general permit is issued
- The successor general permit conditions will be automatic unless the permittee formally objects and requests individual permit coverage
- Prior to issuance, the draft (successor) permit will be placed on notice for public comment (Scheduled for August, 2016)
- After KDHE responds to comments received during the public notice period the successor general permit will be issued
- Effective date of new permit targeted for November 1, 2016

Successor General Permit: What changes have been made to the revised general permit?

- The proposed changes to the general permit are minimal
- General formatting, editing and clarifications have been made
- References to guidance documents, contact numbers and e-mail/web addresses have been updated
- Annual “No Exposure” Re-certifications are required
- Added non-payment permit cancellation/inactivation language
- Added emphasis to evaluations, monitoring and record keeping requirements – MSGP Guidance (e.g. baselines)
- All forms have been updated and must be used
- We still want original signatures, but will accept some updated or corrected forms by e-mail or fax
- Facilities without current permit coverage, such as group applicants, do not have NPDES discharge authorization

Exclusions from NPDES Permit requirements for Stormwater Runoff Associated with Industrial Activity



There are some exclusions from the requirement to submit a Notice of Intent (NOI)

- Oil and Gas Exploration & Production
- Indian Lands
- Industries in Combined Sewer Overflow Areas
- No Exposure Exclusion (must re-certify every 5 years)
- No Exposure Re-certification is annually in the new permit
- SWP2 Plan already required in individual NPDES permits

No Exposure Certification (NOEC)

A “no exposure” certification is valid for 5 years or for the term of the KDHE general permit. The NOEC is available on the KDHE website at: www.kdheks.gov/stormwater

The facility must confirm that for 11 material handling or production activities there will be no exposure to stormwater or runoff now or in the foreseeable future

Annually, the facility must re-certify these conditions continue to be met

Exposure Checklist

1. Using, storing, or cleaning industrial machinery or equipment.
2. Spills or leaks.
3. Materials / products from past industrial activity.

No Exposure Certification (NOEC) Exposure Checklist

4. Material handling equipment.
5. Materials during loading, unloading, or transporting.
6. Materials or products stored outdoors.
7. Materials in deteriorated or leaking drums, barrels, tanks, etc.
8. Materials or products stored on roadways or railways at the facility.
9. Waste materials.
10. Application or disposal of process wastewater, unless permitted.
11. Material from roof stacks or vents.

Industrial Stormwater Pollution Prevention Plans

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SWP2 Plans

Industrial Stormwater Permit Objective

The objective of the general permit for Stormwater Runoff Associated with Industrial Activity and the corresponding Stormwater Pollution Prevention Plan is to help the facility prevent pollution of stormwater runoff from the facility by providing Best Management Practices (BMPs) that eliminate or minimize the discharge of pollutants to surface waters from industrial activities, such as equipment operation, materials handling and storage, and process operations.

Stormwater Pollution Prevention (SWP2 Plan) Development - Minimum requirements

Pollution Prevention Team

Description of Potential Pollutant Sources

Measures and Controls

Comprehensive Site Compliance Evaluation

Monitoring and Record Keeping Requirements

SWP2 Plan Update and Modification



Important Items found in the Stormwater Pollution Prevention Plan (SWP2 Plan)

- A signed copy of the NOI
- A Site Map showing drainage features and an inventory of industrial activities/materials/ equipment [have MSDS's available]
- BMP identification
- Visual observation records (site and outfalls)
- Annual Comprehensive Site Evaluation Record
- SWP2 Plan Certification/Updates
- Record/schedule of planned improvements
- Records of stormwater test results

Your SWP2 Plan inspections and record keeping need to include:

- Quarterly visual inspections of industrial activities and an annual visual observation of the outfalls
- Annual comprehensive site evaluation
- A training program and records of training
- Records as part of the SWP2 Plan (Appendix)
 - A signed NOI
 - Inspection records and comprehensive annual review
 - SWP2 Plan revision record,
 - Stormwater testing records
 - A schedule for implementing new BMP's

EPA Guidance Documents and Resources

- “Developing your Stormwater Pollution Prevention Plan”, EPA 833-B-09-002 – June 2015
 - 44 pages, available on EPA Document Website
 - Non-binding Guidance
 - Includes sampling/evaluation, currently not mandated by KDHE
 - Discusses “sector specific requirements” – Fact Sheets
 - Covers each element of the SWP2 Plan Development
 - » Guidance on BMPs,
 - » Inspections/Visual Assessments
 - » Reports and Record Keeping
 - » Annual Comprehensive Evaluation
 - » Built around 2015 Multi-sector General Permit
 - » Photographs, Site Map Sketches, Illustrations

EPA Guidance Documents and Resources



EPA 833-B-09-002



Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators June 2015



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EPA Guidance Documents and Resources

- Current NPDES Multi-Sector General Permit, EPA 2015
 - <https://www.epa.gov/npdes/final-2015-msgp-documents>
 - Effective in EPA delegated states and territories
 - Non-binding Guidance in Kansas Jurisdictional Areas
 - 376 pages (4 Megabytes)
 - » Sector and Sub-Sector Specific Guidance
 - » Monitoring Requirements
 - » Baseline/Benchmark Parameters
 - » Sector Specific Fact Sheets

INDUSTRIAL STORMWATER

FACT SHEET SERIES

Sector A: Timber Products Facilities



U.S. EPA Office of Water
EPA-833-F-06-016
December 2006

Individual Sector Fact Sheets EPA 833-F-06-016 through 044

What is the NPDES stormwater permitting program for Industrial activity?

Activities, such as material handling and storage, equipment maintenance and cleaning, industrial processing or other operations that occur at industrial facilities are often exposed to stormwater. The runoff from these areas may discharge pollutants directly into nearby waterbodies or indirectly via storm sewer systems, thereby degrading water quality.

In 1990, the U.S. Environmental Protection Agency (EPA) developed permitting regulations under the National Pollutant Discharge Elimination System (NPDES) to control stormwater discharges associated with eleven categories of industrial activity. As a result, NPDES permitting authorities, which may be either EPA or a state environmental agency, issue stormwater permits to control runoff from these industrial facilities.

What types of industrial facilities are required to obtain permit coverage?

This fact sheet specifically discusses stormwater discharges from timber products facilities as described by Standard Industrial Classification (SIC) Major Group 24 – Identified in EPA's Multi-Sector General Permit as Sector A, Timber Products Facilities. This includes all facilities that produce lumber and wood products, except furniture. Facilities and products in this group fall under the following categories, all of which require coverage under an industrial stormwater permit:

- ◆ Log storage and handling (wet deck storage areas only authorized if no chemical additives are used in the spray water or applied to the logs) (SIC 2411)
- ◆ General sawmills and planing mills (SIC 2421)
- ◆ Hardwood dimension and flooring mills (SIC 2426)
- ◆ Special product sawmills not elsewhere classified (SIC 2429)
- ◆ Millwork, veneer, plywood, and structural wood (SIC 2431-2439)
 - ◆ Not included are wood kitchen cabinet manufacturers (SIC 2434) which are instead addressed in the Fact Sheet for wood and metal furniture and fixture manufacturing.
- ◆ Wood containers (SIC 2441-2449)
- ◆ Wood buildings and mobile homes (SIC 2451 and 2452)
- ◆ Wood preserving (SIC 2491)
- ◆ Reconstituted wood products (SIC 2493)
- ◆ Wood products, not elsewhere classified (SIC 2499)

EPA Guidance Documents and Resources

- EPA developed Individual Sector Fact Sheets EPA 833-F-06-016 through 044
 - 29 individual sectors 10 to 20 pages each
 - Follows MSGP, use as Guidance in Kansas
 - 10 to 20 pages each
 - » Type of facilities covered in each sector and sub-sector
 - » Common Activities, Pollutant Sources Associated Pollutant Parameters
 - » Identifies General BMPs and Potential Sector Specific Pollutant Source Specific BMPs

Will the KDHE/EPA/Local MS4 Inspect our facility?

- EPA is performing random, unannounced inspections
- KDHE inspects facilities that have an individual permit and responds to complaints
- Local governments will respond to complaints, and may have upcoming requirements for inspections in their MS4 general permits

What will you need for the inspection?

- A final, signed copy of the Stormwater Pollution Prevention Plan (SWP2 Plan), including:
 - A signed copy of the NOI
 - A site map showing drainage features/industrial activities
 - an inventory of industrial activities/materials;
 - MSDS's, determination of pollution potential
 - BMP identification
 - Visual observation records (site and outfalls)
 - Include an annual outfall observation during a storm event
 - Annual Comprehensive Site Evaluation Record
 - SWP2 Plan Certification/Updates
 - Training Records
 - Records of test results, planned improvements

What BMPs should we see?

- Cleaning maintenance program for all impervious areas of the facility
- Erosion and sediment control on disturbed acreage
- Hoses in filling areas pumped or blown dry
- Avoid transfer during precipitation events
- Only permissible or permitted dry weather flows
- Minimize accumulation of exposed industrial materials
- Managed wash down, process waters, shop waste, cooling/boiler/treatment water/regenerate
- Plug the floor drains going to the storm sewer
- Use dry clean-up methods when possible
- Follow label use instructions – e.g. herbicides and pesticides
- The list goes on and on – Best Management Practices are common sense

Annual Permit Renewal Requirements Billing/Renewal Statement

- \$60.00 Annual Fee
- Billed a month prior to renewal date
- Asks two questions
 - Is SWP2 Plan complete/up-to-date?
 - Has the Comprehensive Site Evaluation been performed?

Is the SWP2 Plan Complete and Up-to-Date?

- **2.4.6. SWP2 Plan Update and Modification**
- The SWP2 Plan shall be re-evaluated and modified in a timely manner, but in no case more than 90 days after:
 - a. a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants to the waters of the State, or
 - b. the KDHE, EPA, or permittee's inspections (including the regular comprehensive site compliance evaluation required herein) indicate deficiencies in the SWP2 Plan or any BMP; or
 - c. a visual inspection of contributing areas or a visual inspection of the stormwater discharges or monitoring of the stormwater discharges indicate the plan appears to be ineffective in eliminating or significantly
- minimizing pollutants from sources identified in the plan.

Has the Annual Comprehensive Site Evaluation been performed?

2.4.4. Comprehensive Site Compliance Evaluation

- Shall be conducted at least once a year
- Visual inspection of areas with stormwater discharge associated with industrial activity
- Visual examination of stormwater quality
- Records of all stormwater monitoring data
- Evaluation of measures implemented to reduce pollutants
- Determination of whether additional measures are needed
- Actions taken or a schedule of BMPs to be implemented
- Written evaluation report
- If the comprehensive site evaluation does not identify any non-compliance, the report shall include a statement that the facility is in compliance with the SWP2 Plan and the conditions of this permit.

Industrial Stormwater Permit

Short Guide to Successful Compliance

Submit NOI and obtain General Permit coverage

Read and understand the General Permit

Develop a Good SWP2 Plan for your site

Do and document the required inspections

Do and document the required evaluations

Keep the Plan Up-to-date

Respond to Annual Permit Fee and Billing Questions

KDHE Industrial Stormwater Permit

Forms and Guidance Available on KDHE website:

<http://www.kdheks.gov/stormwater/index.html#indust>

- [Industrial Stormwater General Permit Effective November 1, 2011](#)
- [Industrial Stormwater Notice of Intent Form \(NOI\) & Instructions](#)
- [Industrial Stormwater No Exposure Certification form \(NOEC\) & Instructions](#)
- [Industrial Stormwater Notice of Termination form \(NOT\)](#)
- [Industrial Stormwater Notice of Transfer of Ownership form \(NOTO\)](#)
- [Industrial Stormwater SWP2 Plan Completion Certification form \(SWP2 Plan CCF\)](#)

KDHE Industrial Stormwater Permit

Forms and Guidance Available on KDHE website:

[EPA Stormwater Policy and Guidance Documents](#)

[Developing Pollution Prevention Plans and Best Management Practices, Summary](#)

[Guidance EPA 832-R-92-002](#)

[Developing your Stormwater Pollution Prevention Plan, EPA 833-B-09-003](#)

[A Guide to Industrial Operators 2009](#)

[EPA Industrial Stormwater Website Link](#)

[EPA National Environmental Publications](#)

[GA Tech Industrial Stormwater Technical Assistance Website](#)

[Electronic Code of Federal Regulations - Title 40 Protection of Environment](#)

[Standard Industrial Classification \(SIC\) Code Search](#)

[Ready Mix Concrete General Permit](#)

[NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001](#)

[EPA Industrial Stormwater Monitoring and Sampling Guide, EPA 832-B-09-003](#)

[EPA NPDES Multi-sector General Permit for Industrial Activities](#)

[EPA Individual Sector Fact Sheets EPA 833-F-06-016 through 044](#)

Additional Industrial Stormwater Resources for further information

Contact Eric Staab (estaab@kdheks.gov or ph. 785-296-4347)

or email KDHE at stormwater@kdheks.gov

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Questions



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